

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

PENTACLES I, LLC,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	
	)	
PEGASUS ENERGY RESOURCES CORP.,	)	No. 3:12-CV-00308
	)	Judge Thomas A. Varlan
Defendant/Counter-Plaintiff.,	)	
	)	
and	)	
	)	
TIMOTHY S. DIACHUN,	)	
	)	
Defendant.	)	

**MOTION TO WITHDRAW AS COUNSEL**

Pursuant to Local Rule 83.4(f), the undersigned attorney, R. Mark Donnell, Jr. of Waypoint Law PLLC, moves this Court for permission to withdraw as counsel for Defendant/Counter-Plaintiff Pegasus Energy Resources Corp. ("Pegasus") and Defendant Timothy S. Diachun in this matter. In support of this motion, the Firm states as follows:

1. Mr. Donnell is no longer practicing law with the law firm of Frost Brown Todd LLC ("FBT"). FBT will continue to represent Pegasus and Mr. Diachun in this matter.
2. No party will be prejudiced by the removal of Mr. Donnell as counsel of record, and his removal will not delay the trial in this case.
3. The current address and phone number for Pegasus and Mr. Diachun is as follows:

P.O. Box 21770  
Lexington, Kentucky 40522  
Phone Number: 859.268.1000

4. Both Pegasus and Mr. Diachun consent to the removal of Mr. Donnell as their counsel of record as shown by their electronic signatures below.

5. Mr. Donnell certifies that all of the requirements of Local Rule 83.4(f) have been met.

**WHEREFORE**, Mr. Donnell submits that there is good cause for him to withdraw as counsel for Pegasus and Mr. Diachun in this matter and requests that this Honorable Court enter an order allowing him to withdraw, and grant him any other such relief that it deems just and proper.

Respectfully submitted,

s/ R. Mark Donnell, Jr.

R. Mark Donnell, Jr. (BPR #30136)  
Waypoint Law PLLC  
424 Church Street, Suite 2000  
Nashville, Tennessee 37219  
615.651.7508  
mdonnell@waypointlaw.com

s/ Timothy S. Diachun

Pegasus Energy Resources Corp.  
By: Timothy S. Diachun, Principal  
P.O. Box 21770  
Lexington, Kentucky 40522  
859.268.1000  
tim@diachun.com

s/ Timothy S. Diachun

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Timothy S. Diachun  
P.O. Box 21770  
Lexington, Kentucky 40522  
859.268.1000  
tim@diachun.com

**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 5.01, it is hereby certified that service of a true and correct copy of the foregoing has been made upon the Filing Users consenting to electronic service through the Electronic Case Filing System on this the 16th day of December, 2014:

s/ R. Mark Donnell, Jr.

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